

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 8341 of 1998

For Approval and Signature:

Hon'ble MR.JUSTICE M.S.PARIKH

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

SWAMINARAYAN VIDHYALAYA

Versus

STATE OF GUJARAT

Appearance:

MR NILESH A PANDYA for Petitioner

MR KT DAVE AGP for Respondent No. 1 and 2.

CORAM : MR.JUSTICE M.S.PARIKH

Date of decision: 09/10/98

ORAL JUDGEMENT

Leave to delete respondent No. 3.

2. Rule. Service of rule is waived by Mr. K.T.Dave, learned Assistant Government Pleader appearing for respondents nos. 1 and 2. The case of the petitioner, as appearing in the statement of facts is that for the benefit of the school students, the

petitioner had an occasion to purchase a Mini Bus in respect of which, Form No. 30 was filled in for the purpose of transfer of the said vehicle in the name of the petitioner. The petitioner also applied with the procedure as suggested in the form no. 29 and 30 under the Motor Vehicles Rules. The grievance of the petitioner is that the school bus is not transferred in the name of the petitioner on the alleged ground that certain dues in respect of the vehicle in question are yet to be collected from the third respondent. Under such circumstances, the petitioner is not in a position to use the said vehicle for the benefit of the school students. Bearing in mind the facts and circumstances of the case, following directions are required to be issued:

The application dated 2nd May, 1998 Annexure "B" moved by the petitioner to the R. T. O. Nadiad shall be considered and decided within a period of two weeks from the date of receipt of these directions by the said authority. While deciding the said application, the said authority will bear in mind the fact that the students of the school are deprived of the bus facility. The decision will be taken by the said authority bearing in mind the said fact and strictly in accordance with law by passing a speaking order. Subject to these directions, this petition is disposed of. Rule is discharged with no order as to cost.

9.10.1998. (M.S.Parikh,J.)

Vyas